



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/657,497	09/08/2000	John Selby Unite	JP920000171US1	2844
7590	11/13/2003			
EXAMINER				
BUI, KIM T				
ART UNIT		PAPER NUMBER		
		3626		

DATE MAILED: 11/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/657,497	UNITE ET AL.
	Examiner	Art Unit
	Kim T. Bui	3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 27 January 2003 .

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-28 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-28 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_ .

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: "Figs 12A-12D" in the "Brief description of the Drawings" section on page 7 of the specification should apparently read "Figs 12A-12E".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(A) "said link" in claim 1, line 7 lacks clear antecedent basis; "formed as..... that form.." in claim 1, lines 5-6 is unclear language. For the purpose of applying art, the Examiner interpret the plurality of links as connectors for linking outputs of the build, operate, management processes to inputs of other build, operate, management processes.

(B) "so far as the outputs represented by the links are concerned" in claim 3, lines 3-4 is vague.

(C) "said link" in claim 6, line 9 lacks clear antecedent basis, " formed as..... that form.." in claim 6, lines 6-7 is unclear language. For the purpose of applying art, the Examiner interpret the plurality of links as connectors for linking outputs of the build,

Art Unit: 3626

operate, management processes to inputs of other build, operate, management processes.

(D) "so far as the outputs represented by the links are concerned" in claim 7, lines 3-4 is vague.

(E) "as output.. and inputs" in claim 10, lines 6-7 is unclear. For the purpose of applying art, the Examiner interpret the plurality of links as connectors for linking outputs of the build, operate, management processes to inputs of other build, operate, management processes.

(F) "so far as the outputs represented by the links are concerned" in claim 12, lines 3-4 is vague.

(G) "the course" in claim 15, line 8 lacks clear antecedent basis. " as outputs ....and inputs" in claim 15, lines 6-7 is unclear. For the purpose of applying art, the Examiner interpret the plurality of links as connectors for linking outputs of the build, operate, management processes to inputs of other build, operate, management processes.

(H) "precedesaid" in claim 16, line 1 should be two separate words.

(I) "so far as the outputs represented by the links are concerned" in claim 17, lines 3-4 is vague.

(J) "from output to input" in claim 21, line 10 is unclear, it is unclear how "output" or "input" is related to any of the process(es), "the course of executing the program" in claim 21, lines 10-11 lack clear antecedent basis.

(K) "each" in claim 22, line 6 is unclear. It is unclear if "each" refers to "process" or "link".

Art Unit: 3626

(L) "each said process" and "said processes" in claim 24, line 9 and 10 respectively lack clear antecedent basis.

(M) "each said process" in claim 26, line 6 lacks clear antecedent basis, it is unclear if "processes" in claim 26, line 7 refer to preceding processes or operate and preceding processes.

(N) "said exit conditions" in claim 27, line 1 lacks clear antecedent basis

(O) "said processes" in claim 28, line 1 lacks clear antecedent basis.

Dependent claims 2,4,5,8,9,11,13,14,18-20,23,25 incorporate the deficiencies of the claims they depend on and are therefore rejected.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1,2,5,10,11,14-16,19, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over "A Guide To The Project Management Body Of Knowledge" By William R. Duncan in view of Saito et al. (6032124).

(A) As per claim 1, Duncan discloses a framework for project management comprising:

a. one or more initiating and planning processes (i.e. build processes). Duncan,

Fig 3-1, page 28, lines 5-8.

b. one or more executing processes (i.e. operate processes). Duncan, Fig. 3-1, page 28, lines 9-10.

c. one or more controlling and closing processes . Duncan, Fig 3-1, page 28, lines 11-14

d. a plurality of links for connecting outputs and inputs of the processes. Fig 3-1, page 6, lines 15-17. The links are associated with the exit conditions that involve deliverables to be approved before work can proceed. Duncan, Fig 3-1, page 28, lines 15-17, page 11, lines 18-30, page 12, lines 7-10.

It is unclear that Duncan disclose a management process. It is, however, well known in the art of business workflow processing to include a management process into a workflow system as evidenced by Saito et al. Saito et al discloses a business workflow system with decentralized management units linked to the business definitions (i.e. processes) to direct the workflow. See Saito et al. Fig. 4, col. 5, lines 29-50. It would have been obvious to one having ordinary skill in the art at the time of the invention to include management process(es) in Duncan with the motivation of coordinating a plurality of business definitions (i.e. processes) and thereby providing an effective business workflow system. Saito et al, col. 2, lines 11-16.

(B) As per claim 10, Duncan discloses a framework for project management comprising:

a. one or more initiating and planning processes (i.e. build processes). Duncan, Fig 3-1, page 28, lines 5-8.

b. one or more executing processes (i.e. operate processes). Duncan, Fig. 3-1, page 28, lines 9-10.

c. one or more controlling and closing processes . Duncan, Fig 3-1, page 28, lines 11-14

d. a plurality of links for connecting outputs and inputs of the processes. Fig 3-1, page 6, lines 15-17.

It is unclear that Duncan discloses a management process. It is, however, well known in the art of business workflow processing to include a management process into a workflow system as evidenced by Saito et al. Saito et al discloses a business workflow system with decentralized management units linked to the business definitions (i.e. processes ) to direct the workflow. See Saito et al. Fig. 4, col. 5, lines 29-50. It would have been obvious to one having ordinary skill in the art at the time of the invention to include management process(es) in Duncan with the motivation of coordinating a plurality of business definitions (i.e. processes) and thereby providing an effective business workflow system. Saito et al, col. 2, lines 11-16

(C) As per claim 15, Duncan discloses a framework for project management comprising:

a. one or more initiating and planning processes (i.e. build processes). Duncan, Fig 3-1, page 28, lines 5-8.

b. one or more executing processes (i.e. operate processes). Duncan, Fig. 3-1, page 28, lines 9-10.

c. one or more controlling and closing processes . Duncan, Fig 3-1, page 28, lines 11-14

d. a plurality of links for connecting outputs and inputs of the processes. Fig 3-1, page 6, lines 15-17. The links are associated with the exit conditions that involve deliverables to be approved before work can proceed. Duncan, Fig 3-1, page 28, lines 15-17, page 11, lines 18-30, page 12, lines 7-10.

It is unclear that Duncan discloses a management process. It is, however, well known in the art of business workflow processing to include a management process into a workflow system as evidenced by Saito et al. Saito et al discloses a business workflow system with decentralized management units linked to the business definitions (i.e. processes) to direct the workflow. See Saito et al. Fig. 4, col. 5, lines 29-50. It would have been obvious to one having ordinary skill in the art at the time of the invention to include management process(es) in Duncan with the motivation of coordinating a plurality of business definitions (i.e. processes) and thereby providing an effective business workflow system. Saito et al, col. 2, lines 11-16.

(D) As per claim 22, Duncan disclose a framework for project management comprising:

a. defining program requirements for each of the processes. Duncan, pages 30-32.

b. defining initiating, planning (i.e., build), executing processes (i.e. operation ), controlling and closing processes. Duncan, Fig. 3-1, page 28, lines 9-10, page 28, lines 11-14; and a plurality of links for connecting outputs and inputs of the processes based

on the requirements defining the interaction(s) of the process(es). The links are associated with the exit conditions that involve deliverables to be approved before work can proceed. Duncan, Fig 3-1, page 6, lines 15-17, page 28, lines 15-17, page 11, lines 18-30, page 12, lines 7-10.

It is unclear that Duncan discloses a management process. It is, however, well known in the art of business workflow processing to include a management process into a workflow system as evidenced by Saito et al. Saito et al discloses a business workflow system with decentralized management units linked to the business definitions (i.e. processes) to direct the workflow. Saito et al. Fig. 4, col. 5, lines 29-50. It would have been obvious to one having ordinary skill in the art at the time of the invention to include management process(es) in Duncan with the motivation of coordinating a plurality of business definitions (i.e. processes) and thereby providing an effective business workflow system. Saito et al, col. 2, lines 11-16.

(E) As per claims 2,11,16, Duncan teaches that the processes can be overlapping. See Duncan, page 28, lines 19-22, page 11, lines 9-12.

(F) As per claims 5,14,19, 23, the exit conditions as disclosed by Duncan are associated with approved deliverables. Duncan, page 28, lines 15-17, page 11, lines 18-30, page 12, lines 7-10.

6. Claims 3, 4,12,13,17,18 are rejected under 35 U.S.C. 103(a) as being unpatentable over "A Guide To The Project Management Body Of Knowledge" by William R. Duncan and Saito et al. as applied to claims 2,11 and 16 above, and further in view of Gundewar et al. (6381610).

(A) As per claims 3,12,17, Duncan discloses multiple milestones for stream of phases. See Dukan, page 13. It is unclear that Duncan teaches that the links form multiple milestones. This, however, is conventional as evidenced by Gundewar et al. Gundewar et al teaches exit and enter conditions of processes (i.e. links) may include milestones. See Gundewar et al. col. 5, lines 40-60. It would have been obvious to one having ordinary skill in the art at the time of the invention to include links of stream of process(es) that form milestones with the motivation of providing tracking tool for meeting criteria of the processes. Gundewar et al., col.5, lines 60-64.

(B) As per claims 4,13,18, Saito et al teaches that the management units manage the business operating processes. Saito, col. 5, lines 30-65.

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over "A Guide To The Project Management Body Of Knowledge" by William R. Duncan and Saito et al. as applied to claim 19 above, and further in view of Smirnov et al. (6321133).

(A) As per claim 20, Duncan and Saito et al fail to teach the steps of beginning with ultimate operate process and progressively determining requirements and exit conditions for preceding processes. This is disclosed by Smirnov et al. Smirnov et al teaches a workflow method including the step for beginning with an ultimate operating process to yield an product (i.e. cutting) and progressively determining exit criteria and requirement for preceding processes (i.e. bound material, printed body, inputs to cutting, binding, printing processes, etc.). See Smirnov, Figs. 2,3, col. 8, line 45 to col. 9, line 65. It would have been obvious to one having ordinary skill in the art at the time of the invention to include the ultimate operating process as suggested by Smirnov et al.

with the motivation of providing an aggregate planner to accommodate added processes or jobs. Smirnov et al, col. 5, lines 1-22.

8. Claims 24, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over "A Guide To The Project Management Body Of Knowledge" By William R. Duncan in view of Saito et al. and Smirnov (6321133).

(A) As per claim 24, Duncan discloses a framework for project performance and management comprising:

- a. one or more initiating and planning processes (i.e. build processes). Duncan, Fig 3-1, page 28, lines 5-8.
- b. one or more executing processes (i.e. operate processes). Duncan, Fig. 3-1, page 28, lines 9-10.
- c. one or more controlling and closing processes . Duncan, Fig 3-1, page 28, lines 11-14
- d. a plurality of links for connecting outputs and inputs of the processes. Fig 3-1, page 6, lines 15-17.

It is unclear that Duncan disclose a management process. It is however well known in the art of business workflow processing to include a management process into the workflow system as evidenced by Saito et al. Saito et al discloses a business workflow system with decentralized management units linked to the business definitions (I.e. processes) to direct the workflow. See Saito et al. Fig. 4, col. 5, lines 29-50. It would have been obvious to one having ordinary skill in the art at the time of the invention to include management process(es) in Duncan with the motivation of

coordinating a plurality of business definitions (i.e. processes) and thereby providing an effective business workflow system. Saito et al, col. 2, lines 11-16. Duncan and Saito fail to teach the step for beginning with ultimate operate process and progressively determining requirements for preceding processes. This is disclosed by Smirnov et al. Smirnov et al teaches a workflow method including the step for beginning with an ultimate operating process to yield an product (i.e. cutting) and progressively determining exit criteria and requirement for preceding processes (i.e. bound material, printed body, inputs to cutting, binding, printing processes, etc..). See Smirnov, Figs. 2,3, col. 8, line 45 to col. 9, line 65. It would have been obvious to one having ordinary skill in the art at the time of the invention to include the ultimate operating process as suggested by Smirnov et al. with the motivation of providing an aggregate planner to accommodate added processes or jobs. Smirnov et al, col. 5, lines 1-22.

B) As per claim 25, the exit conditions as disclosed by Duncan are associated with approved deliverables. Dukan, page 28, lines 15-17, page 11, lines 18-30, page 12, lines 7-10.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

10. Claims 26,27 are rejected under 35 U.S.C. 102(e) as being anticipated by Smirnov (6321133).

(A) As per claim 26, Smirnov discloses a build and operate manufacturing program comprising the steps for beginning with an ultimate operating process (i.e. cutting) to

yield an end result (i.e. book); determining requirements to meet the ultimate operating process (i.e. inputs to cutting process(es)); defining exit criteria (i.e. bound material) for immediately preceding processes (i.e. binding); and continuing to progressively determine requirements for preceding processes (inputs to binding, printing processes) to determine exit conditions (i.e. printed body, RIPped Doc, File etc..); the exit conditions are to be satisfied for the linked processes to traverse. See Smirov, Figs 2,3, col. 4, lines 1-20, col. 8, line 45 to col. 9, line 55.

(B) As per claim 27, the exit conditions as disclosed by Smirnov include a deliverable product (i.e. book). See Smirnov, Figs 2, 3, co. 8, lines 45- 65, col. 15, lines 67.

11. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smirnov (6321133) in view of Saito et al (6032124).

(A) As per claim 28, Smirov teaches the manufacturing method including include operating, building processes (i.e binding, printing etc..). See Smirnov, Figs. 2,3, col. 8, line 45 to col. 9, line 65. It is unclear that Smirnov discloses a management process. This, however, is well known as evidenced by Saito et al. Saito et al discloses a business workflow system with decentralized management units linked to the business definitions (i.e. processes) to direct the workflow. See Saito et al. Fig. 4, col. 5, lines 29-50. It would have been obvious to one having ordinary skill in the art at the time of the invention to include management process(es) in Smirnov with the motivation of coordinating a plurality of processes and thereby providing an effective workflow system. Saito et al, col. 2, lines 11-16

12. Claims 6,9 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over "A Guide To The Project Management Body Of Knowledge" By William R. Duncan in view of Saito et al. (6032124) and Richard et al. (6289348).

(A) As per claim 6, Duncan discloses a framework for project management comprising:

a. a set of one or more initiating and planning processes (i.e. build processes), controlling processes (i.e. testing processes) and executing processes (i.e. operating processes) Duncan, Fig 3-1, page 28, lines 5-14.

b. a plurality of links for connecting outputs and inputs of the processes. Duncan, Fig 3-1, page 6, lines 15-17. The links are associated with the exit conditions that involve deliverables to be approved before work can proceed. Duncan, Fig 3-1, page 28, lines 15-17, page 11, lines 18-30, page 12, lines 7-10.

It is unclear that Duncan disclose a management process. It is, however, well known in the art of business workflow processing to include a management process into a workflow system as evidenced by Saito et al. Saito et al discloses a business workflow system with decentralized management units linked to the business definitions (i.e. processes) to direct the workflow. See Saito et al. Fig. 4, col. 5, lines 29-50. It would have been obvious to one having ordinary skill in the art at the time of the invention to include management process(es) in Duncan with the motivation of coordinating a plurality of business definitions (i.e. processes) and thereby providing an effective business workflow system. Saito et al, col. 2, lines 11-16. Duncan and Saito et al fail to teach the application of the framework to sporting event and the game day

processes. It is, however, well known in the art of business industry to manage a sporting event as evidenced by Richard et al.. See Richard et al., the abstract, col. 1, lines 20-30, col. 2, lines 1-30, col. 7, lines 20-26. It would have been obvious to one having ordinary skill in the art at the time of the invention to include sporting event in the framework management disclosed by Duncan and Saito et al with the motivation of expanding the applicability of the system.

(B) As per claim 9, the exit conditions as disclosed by Duncan are associated with approved deliverables. Dukan, page 28, lines 15-17, page 11, lines 18-30, page 12, lines 7-10.

(C ) As per claim 21, Dukan discloses a method for executing a management project comprising:

a. defining a set of one or more initiating and planning processes (i.e. build processes). controlling processes (i.e. testing processes) and executing processes (i.e. operating processes) Dukan, Fig 3-1, page 28, lines 5-14.

b. forming a plurality of links for connecting outputs and inputs of the processes. Dukan, Fig 3-1, page 6, lines 15-17. The links are associated with the exit conditions that involve deliverables to be approved before work can proceed. Duncan, Fig 3-1, page 28, lines 15-17, page 11, lines 18-30, page 12, lines 7-10.

It is unclear that Duncan disclose a management process. It is, however, well known in the art of business workflow processing to include a management process into a workflow system as evidenced by Saito et al. Saito et al discloses a business workflow system with decentralized management units linked to the business definitions

(i.e. processes) to direct the workflow. See Saito et al. Fig. 4, col. 5, lines 29-50. It would have been obvious to one having ordinary skill in the art at the time of the invention to include management process(es) in Duncan with the motivation of coordinating a plurality of business definitions (i.e. processes) and thereby providing an effective business workflow system. Saito et al, col. 2, lines 11-16. Duncan and Saito et al fail to teach the application of the framework to sporting event and the game day processes. It is, however, well known in the art of business industry to manage a sporting event as evidenced by Richard et al.. See Richard et al., the abstract, col. 1, lines 20-30, col. 2, lines 1-30, col. 7, lines 20-26. It would have been obvious to one having ordinary skill in the art at the time of the invention to include sporting event in the framework management disclosed by Duncan and Saito et al with the motivation of expanding the applicability of the system.

13. Claims 7,8 are rejected under 35 U.S.C. 103(a) as being unpatentable over "A Guide To The Project Management Body Of Knowledge" by William R. Duncan , Saito et al. and Richard et al. (6289348) as applied to claim 6 above, and further in view of Gundewar et al. (6381610).

(A) As per claim 7, Duncan discloses multiple milestones for stream of phases. See Ducan, page 13. It is unclear that Duncan teaches that the links form multiple milestones. This, however, is conventional as evidenced by Gundewar et al. Gundewar et al teaches exit and enter conditions of processes (i.e. links) may include milestones. See Gundewar et al. col. 5, lines 40-60. It would have been obvious to one having ordinary skill in the art at the time of the invention to include links of stream of

process(es) that form milestones with the motivation of providing tracking tool for meeting criteria of the processes. Gundewar et al., col.5, lines 60-64.

(B) As per claim 8, Saito et al teaches that the management units manage the business operating processes. Saito, col. 5, lines 30-65.

***Claim Rejections - 35 USC § 101***

14. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

15. Claims 1-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

(A) In the present case, claims 1-28 recite an abstract idea only. The claims recite steps and means for a) defining processes, b) forming links between processes, traversing processes by meeting exit requirements. These steps and means do not

apply, involve, use, or advance the technological arts since they can be performed in the mind of the user or by use of a pencil and paper. These steps and means only constitute an idea of how to define, linking and traversing processes.

In addition, for a claimed invention to be statutory, it must produce a useful, concrete, and tangible result. In the present case, the claimed invention produces a method for defining, linking, traversing processes (i.e., repeatable) used in meeting deliverable products or service levels (i.e., useful and tangible).

Although the recited process produces a useful, concrete, and tangible result, since the claimed invention, as a whole, is not within the technological arts as explained above, claims 1-28 are deemed to be directed to non-statutory subject matter.

### ***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. "Report Searching... Environment" (6581039); " Computerized System For Managing Business Processes Using linked Workflows" (6073109); "Workload Management System" (6574605); "Methodology.. A Custom-Engineered Product Line" (6009406); "Deriving Process Models... From Audit Trails" (6278977); "Workflow Method and System" (5867824); "Activity Scheduling System and Method" (6073110); " Marketing, business processes, and shareholder value: An organizationally embedded view of marketing activities and the discipline of marketing", Srivastava, Rajendra K. et al., 1999, Journal of Marketing, v63, pp 168-179, dialog file 15, Acc. 01951119.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim T. Bui whose telephone number is 703-305-5874. The examiner can normally be reached on Monday-Friday from 8:30A.M. to 5:00P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 703-305-9588. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

KTB

November 3, 2003

  
JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600